IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 13980 of 2007(L)

PETITIONERS:
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1. **T.D.MOHANAN,**
   S/O.T.A.DAMODARAN, AGED 51 YEARS, THAIPARAMBIL,
   KALATH WARD, ALAPPUZHA.

2. **T.D.PRASAD,**
   S/O.T.A.DAMODARAN, AGED 48 YEARS,
   THAIPARAMBIL, KALATH WARD,
   ALAPPUZHA.

3. **T.D.BABU,**
   S/O.T.A.DAMODARAN, AGED 41 YEARS,
   THAIPARAMBIL, WARD NO.8, ARYADU PANCHAYATH,
   ALAPPUZHA.

BY ADV. SRI.G.PRIYADARSAN THAMPI,
ADV. SMT.B.S.SEEMA.

RESPONDENTS:
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1. **DY.SUPERINTENDENT OF POLICE,**
   ALAPPUZHA DISTRICT.

2. **THE CIRCLE INSPECTOR OF POLICE,**
   ALAPPUZHA NORTH POLICE STATION.

3. **THE SUB INSPECTOR OF POLICE,**
   ALAPPUZHA NORTH POLICE STATION, ALAPPUZHA.

4. **SAVIOUR, AGED 40 YEARS, S/O.MANUEL,**
   THOTTATHIL, WARD NO.9, ARYADU PANCHAYATH,
   ALAPPUZHA.

W.P.(C). NO.13980/2007:

5. SAYI, AGED 38 YEARS, SO.SUDHAKARAN,
NIKARTHIL, KALATH WARD, ALAPPUZHA.

6. SALMA SAYI, W/O.SAYI,
NIKARTHIL, KALATH WARD, ALAPPUZHA.

7. MUKRALI, AGED 48 YEARS, S/O.GOPALAN,
KANYAVELIYIL, WARD NO.8, ARYADU PANCHAYATH,
ALAPPUZHA.

8. MANOHARAN, AGED 60 YEARS,
VELIMPARAMBIL, KALATH WARD, ALAPPUZHA.

9. SUNNY JOSEPH, AGED 32 YEARS,
PARAYIKKATTU, WARD NO.11,
ARYADU PANCHAYATH, ALAPPUZHA.

BY ADV. SRI.R.SUDHISH,
ADV. SRI.V.S.KARTHIKEYAN,
GOVERNMENT PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.13980/2007-L:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE COMPLAINT DTD. 23/03/2007 LODGED BY THE P.2. BEFORE THE R.2.

EXT.P.1.A: COPY OF THE RECEIPT OF EXT.P.1. ISSUED BY THE RESPONDENT'S OFFICE.

EXT.P.2: COPY OF THE COMPLAINT DTD. 24/03/2007 SUBMITTED BY THE P.1. BEFORE THE R.2.

EXT.P.2.A: COPY OF THE RECEIPT OF EXT.P.2. ISSUED BY THE 2ND RESPONDENT'S OFFICE.

EXT.P.3: COPY OF THE COMPLAINT DTD. 24/03/2007 SUBMITTED BY THE P.3. BEFORE THE R.2.

EXT.P.3.A: COPY OF THE RECEIPT OF EXT.P.3. ISSUED BY THE 2ND RESPONDEN'S OFFICE.

EXT.P.4: COPY OF THE FIR NO. 789/2006 OF ALAPPUZHA NORTH POLICE STATION.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.13980 of 2007-L

Judgment

Balakrishnan Nair, J.

The petitioners submit, they are law abiding citizens. Their father was the President of a Trust which received deposits from the local people. Since he failed to repay the same, the depositors like respondents 4 to 9 are coming to the residence of the petitioners and demanding money. Their father is residing with them. The local people are threatening and harassing them. Therefore, the first petitioner has preferred Exts.P1 and P2 representations before the Police seeking protection to their life and property and thereafter, this Writ Petition is filed, seeking the following relief :

> *"issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to grant effective and adequate protection to the life and properties of the petitioners from the illegal acts of respondents 4 to 9."*

2. The third respondent SI of Police has filed a statement. The trust headed by the petitioners' father misappropriated several lakhs of rupees deposited by the local people. The depositors are poor agriculturists. The first

petitioner's wife was the Cashier of the said trust. Since the petitioners' father is residing with them, the local people have trespassed into their house. So the police have registered Crime No.789/06 under Sections 143, 147, 148, 149, 452, 506(ii) & 427 IPC. The 4th respondent along with another, manhandled the brother-in-law of the second petitioner, who was the former Secretary of the Trust and therefore, Crime No.240/07 has been registered under Sections 323, 341 & 34 IPC. It is further submitted that against the Trust, 16 crimes have been registered based on the complaints filed by the depositors under Sections 409 & 420 IPC. The third respondent further submits that the petitioners want protection for their father, who is the first accused in those crimes. The investigation reveals that the petitioners' father is involved in the misappropriation of funds.

3. The respondents 4 to 8 have filed a counter affidavit denying the allegations against them. They submit that they have deposited substantial amounts in the trust and now, false cases are filed against them and the Police are registering crimes against them based on those complaints. They pray for dismissal of the Writ Petition.

4. We heard the learned counsel on both sides. Having regard to the

nature of the allegations against the petitioners' father, who is residing with them, we are not inclined to order any protection as prayed for by the petitioners. They may move the competent civil/criminal court for appropriate reliefs. Accordingly, the Writ Petition is dismissed without prejudice to the contentions of the petitioners and their right to move other forums to redress their grievances.

K.BALAKRISHNAN NAIR,JUDGE

17.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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